

THE LAW SOCIETY OF SCOTLAND
QUALIFIED LAWYERS ASSESSMENT

EVIDENCE

6 November 2023

1300 – 1430
(90 minutes)

Candidates are required to answer TWO out of three questions.

Candidates should note that, in examination answers, they are expected to cite relevant authority.

Candidates are required to answer TWO out of three questions.

Question 1

Each of the following four scenarios is worth 25 marks:

- (a) Police are investigating a murder, and have no evidence whatsoever. They interview Abdul, who makes certain incriminating statements. Abdul is charged with murder, due to his apparent 'special knowledge'.

Provide Abdul with advice on special knowledge statements, referring to authority.

- (b) Sienna is 18 years old. She gave a statement to the police in which she confessed to robbery. Sienna says that she only confessed because the police shouted at her to answer their questions, and she had no solicitor to 'protect her'. The police had offered her a solicitor, but told her "it would only make things worse" if she asked for one, so she declined and didn't speak to one. Sienna signed a form confirming she did not need a solicitor.

Is Sienna's confession admissible?

- (c) Harold is involved in civil litigation in which he is the Defender. The Pursuer, Stephen, is arguing that Harold sent anonymous, defamatory emails to him. He says that he has a number of similar emails that Harold sent to other people in the past using the same sort of language.

Provide Harold with advice on 'relevance'. Are Stephen's emails admissible?

- (d) Amanda is approached in the street by a police officer who is lost and about to ask for directions. Before the police officer can say anything whatsoever, Amanda panics and admits to a series of murders. The police officer brings out his notebook, quickly scribbles down what Amanda says, then says "I didn't have time to caution you there!" and then cautions her, and interviews her at the roadside about the murders, noting everything in his notebook. Amanda goes on to make a series of incriminating statements about a series of murders.

Are Amanda's admissions admissible?

(100 marks)

Question 2

Write notes setting out the law on TWO of the following issues, with full reference to authority:

- (a) Expert evidence.
- (b) Hearsay.
- (c) The admissibility of the previous convictions of the accused.

Question 3

Write a brief note explaining how the court approaches the concept of relevance in a criminal trial. How might a court define 'relevance', and how is the test applied? Refer to authority.

END OF QUESTION PAPER